

Office of Capital Defense Counsel 510 George St. Suite 300, Jackson 39202

André de Gruy

AGENCY ADDRESS CHIEF EXECUTIVE OFFICER

	Actual Expenses FY Ending June 30, 2009	Estimate Expenses FY Ending June 30, 2010	Requested for FY Ending June 30, 2011	Requested Increase (+) or Decrease (-) FY 2011 vs. FY 2010 (Col. 3 vs. Col. 2)	
				AMOUNT	PERCENT
I. A. PERSONAL SERVICES					
1. Salaries, Wages & Fringe Benefits (Base)	690,258	747,587	764,728		
a. Additional Compensation			166,400		
b. Proposed Vacancy Rate (Dollar Amount)					
c. Per Diem					
Total Salaries, Wages & Fringe Benefits	690,258	747,587	931,128	183,541	24.55%
2. Travel					
a. Travel & Subsistence (In-State)	61,785	62,000	75,000	13,000	20.96%
b. Travel & Subsistence (Out-of-State)	3,702	3,000	5,000	2,000	66.66%
c. Travel & Subsistence (Out-of-Country)					
Total Travel	65,487	65,000	80,000	15,000	23.07%
B. CONTRACTUAL SERVICES (Schedule B):					
a. Tuition, Rewards & Awards	962	1,000	1,500	500	50.00%
b. Communications, Transportation & Utilities	96	200	200		
c. Public Information					
d. Rents	47,796	48,240	56,500	8,260	17.12%
e. Repairs & Service		1,000	1,000		
f. Fees, Professional & Other Services	179,283	360,200	895,000	534,800	148.47%
g. Other Contractual Services	12,787	13,623	14,600	977	7.17%
h. Data Processing	25,254	25,601	25,873	272	1.06%
i. Other	395	500	500		
Total Contractual Services	266,573	450,364	995,173	544,809	120.97%
C. COMMODITIES (Schedule C):					
a. Maintenance & Construction Materials & Supplies					
b. Printing & Office Supplies & Materials	5,688	9,000	9,000		
c. Equipment, Repair Parts, Supplies & Accessories					
d. Professional & Scientific Supplies & Materials					
e. Other Supplies & Materials	11,043	16,000	16,000		
Total Commodities	16,731	25,000	25,000		
D. CAPITAL OUTLAY:					
1. Total Other Than Equipment (Schedule D-1)					
2. Equipment (Schedule D-2):					
b. Road Machinery, Farm & Other Working Equipment					
c. Office Machines, Furniture, Fixtures & Equipment	790	1,000	2,500	1,500	150.00%
d. IS Equipment (Data Processing & Telecommunications)	4,544	5,000	3,000	(2,000)	(40.00%)
e. Equipment - Lease Purchase					
f. Other Equipment		1,000	1,500	500	50.00%
Total Equipment (Schedule D-2)	5,334	7,000	7,000		
3. Vehicles (Schedule D-3)					
4. Wireless Comm. Devices (Schedule D-4)					
E. SUBSIDIES, LOANS & GRANTS (Schedule E):					
TOTAL EXPENDITURES	1,044,383	1,294,951	2,038,301	743,350	57.40%
II. BUDGET TO BE FUNDED AS FOLLOWS:					
Cash Balance-Unencumbered	652,080	1,078,631	1,083,680	5,049	0.46%
General Fund Appropriation (Enter General Fund Lapse Below)					
State Support Special Funds					
Federal Funds	20,094				
Other Special Funds (Specify)					
Capital Defense Fund	1,450,840	1,300,000	1,300,000		
Less: Estimated Cash Available Next Fiscal Period	(1,078,631)	(1,083,680)	(345,379)	(738,301)	(68.12%)
TOTAL FUNDS (equals Total Expenditures above)	1,044,383	1,294,951	2,038,301	743,350	57.40%
GENERAL FUND LAPSE					
III. PERSONNEL DATA					
Number of Positions Authorized in Appropriation Bill	a.) Full Perm	9	9	11	2
	b.) Full T-L				
	c.) Part Perm.				
	d.) Part T-L				
Average Annual Vacancy Rate (Percentage)	a.) Full Perm	0.55			
	b.) Full T-L				
	c.) Part Perm.				
	d.) Part T-L				

Approved by: André de Gruy
Official of Board or Commission

Budget Officer: André de Gruy / capital_defense@bellsouth.net

Phone Number: 601-576-2315

Submitted by: André de Gruy
Name

Title: Director

Date: _____

REQUEST BY FUNDING SOURCE

Name of Agency Office of Capital Defense Counsel

Specify Funding Sources As Shown Below	FY 2009 Actual Amount	% Of Line Item	% Of Total Budget	FY 2010 Estimated Amount	% Of Line Item	% Of Total Budget	FY 2011 Requested Amount	% Of Line Item	% Of Total Budget
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund	690,258	100.00%		747,587	100.00%		931,128	100.00%	
10.									
11.									
12.									
Total Salaries	690,258		66.09%	747,587		57.73%	931,128		45.68%
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____	1,264	1.93%							
9. Capital Defense Fund	64,223	98.06%		65,000	100.00%		80,000	100.00%	
10.									
11.									
12.									
Total Travel	65,487		6.27%	65,000		5.01%	80,000		3.92%
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____	18,290	6.86%							
9. Capital Defense Fund	248,283	93.13%		450,364	100.00%		995,173	100.00%	
10.									
11.									
12.									
Total Contractual	266,573		25.52%	450,364		34.77%	995,173		48.82%
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____	540	3.22%							
9. Capital Defense Fund	16,191	96.77%		25,000	100.00%		25,000	100.00%	
10.									
11.									
12.									
Total Commodities	16,731		1.60%	25,000		1.93%	25,000		1.22%

REQUEST BY FUNDING SOURCE

Name of Agency Office of Capital Defense Counsel

Specify Funding Sources As Shown Below	FY 2009 Actual Amount	% Of Line Item	% Of Total Budget	FY 2010 Estimated Amount	% Of Line Item	% Of Total Budget	FY 2011 Requested Amount	% Of Line Item	% Of Total Budget
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund									
10.									
11.									
12.									
Total Other Than Equipment									
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund	5,334	100.00%		7,000	100.00%		7,000	100.00%	
10.									
11.									
12.									
Total Equipment	5,334		0.51%	7,000		0.54%	7,000		0.34%
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund									
10.									
11.									
12.									
Total Vehicles									
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund									
10.									
11.									
12.									
Total Wireless Comm. Devices									

REQUEST BY FUNDING SOURCE

Name of Agency Office of Capital Defense Counsel

Specify Funding Sources As Shown Below	FY 2009 Actual Amount	% Of Line Item	% Of Total Budget	FY 2010 Estimated Amount	% Of Line Item	% Of Total Budget	FY 2011 Requested Amount	% Of Line Item	% Of Total Budget
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____									
9. Capital Defense Fund									
10.									
11.									
12.									
Total Subsidies, Loans & Grants									
1. General _____ State Support Special (Specify) _____									
2. Budget Contingency Fund									
3. Education Enhancement Fund									
4. Health Care Expendable Fund									
5. Tobacco Control Fund									
6. ARRA - Education, Disc., FMAP									
7.									
8. Federal _____ Other Special (Specify) _____	20,094	1.92%							
9. Capital Defense Fund	1,024,289	98.07%		1,294,951	100.00%		2,038,301	100.00%	
10.									
11.									
12.									
TOTAL	1,044,383		100.00%	1,294,951		100.00%	2,038,301		100.00%

SPECIAL FUNDS DETAIL

Office of Capital Defense Counsel

Name of Agency

S. STATE SUPPORT SPECIAL FUNDS		(1) Actual Revenues FY 2009	(2) Estimated Revenues FY 2010	(3) Requested Revenues FY 2011
Source (Fund Number)	Detailed Description of Source			
Budget Contingency Fund	BCF - Budget Contingency Fund			
Education Enhancement Fund	EEF - Education Enhancement Fund			
Health Care Expendable Fund	HCEF - Health Care Expendable Fund			
Tobacco Control Fund	TCF - Tobacco Control Fund			
ARRA - Education, Discretionary, FMAP	ARRA - Education, Discretionary, FMAP			
Section S TOTAL				

A. FEDERAL FUNDS*	Source (Fund Number)	Detailed Description of Source	Percentage Match Requirement		(1) Actual Revenues FY 2009	(2) Estimated Revenues FY 2010	(3) Requested Revenues FY 2011
			FY 2010	FY 2011			
		Cash Balance-Unencumbered					
	Criminal Justice Training Grant (3097)	State Treasury 3097			20,094		
Section A TOTAL					20,094		

B. OTHER SPECIAL FUNDS (NON-FED'L)		(1) Actual Revenues FY 2009	(2) Estimated Revenues FY 2010	(3) Requested Revenues FY 2011
Source (Fund Number)	Detailed Description of Source			
	Cash Balance-Unencumbered	652,080	1,078,631	1,083,680
Capital Defense Fund (3097)	Criminal Assesments	1,450,840	1,300,000	1,300,000
Section B TOTAL		2,102,920	2,378,631	2,383,680

Section S + A + B TOTAL		2,123,014	2,378,631	2,383,680
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C. TREASURY FUND/BANK ACCOUNTS*			(1) Reconciled Balance as of 6/30/09	(2) Balance as of 6/30/10	(3) Balance as of 6/30/11
Name of Fund/Account	Fund/Account Number	Name of Bank (If Applicable)			
Cafeteria Plan Administration	1007308687	Trustmark National Bank	2,500	2,500	2,500

* Any non-federal funds that have restricted uses must be identified and narrative of restrictions attached.

**NARRATIVE OF SPECIAL FUNDS DETAIL
AND TREASURY FUND/BANK ACCOUNTS**

Office of Capital Defense Counsel

Name of Agency

FEDERAL FUNDS

The Department of Justice provided funds for training Defense Attorneys. This Office has worked in conjunction with other agencies to provide seminars under this grant.

STATE SUPPORT SPECIAL FUNDS

OTHER SPECIAL FUNDS

Mississippi Code Section 99-19-73 provides a criminal case assessment for the Capital Defense Counsel Fund. The Fund is for the purpose of defraying the expenses of the Office of Capital Defense Counsel. The current assessment is \$2.89 on each conviction. This increased effective July 1, 2007, from \$1.89 on each conviction.

This assessment generated over \$1.4 million in FY 2009. It is estimated that the current assessment amount will generate at least \$1.3 million in FY10 and FY11.

The assessment amount will have to be increased to fully fund the Capital Defense Litigation Act of 2000.

TREASURY FUND/BANK

This account is not budgeted. Funds are restricted for administration of the Office of Capital Defense Counsel employee cafeteria plan and source of funds is payroll deduction.

CONTINUATION AND EXPANDED REQUEST

Office of Capital Defense Counsel
AGENCY

Program No. _____ of _____ Programs

SUMMARY OF ALL PROGRAMS

PROGRAM

	FY 2009 Actual				
	(1) General	(2) State Support Special	(3) Federal	(4) Other Special	(5) Total
Salaries, Wages, Fringe				690,258	690,258
Travel			1,264	64,223	65,487
Contractual Services			18,290	248,283	266,573
Commodities			540	16,191	16,731
Other Than Equipment					
Equipment				5,334	5,334
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total			20,094	1,024,289	1,044,383
No. of Positions (FTE)				9.00	9.00

	FY 2010 Estimate				
	(6) General	(7) State Support Special	(8) Federal	(9) Other Special	(10) Total
Salaries, Wages, Fringe				747,587	747,587
Travel				65,000	65,000
Contractual Services				450,364	450,364
Commodities				25,000	25,000
Other Than Equipment					
Equipment				7,000	7,000
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				1,294,951	1,294,951
No. of Positions (FTE)				9.00	9.00

	FY 2011 Increase/Decrease for Continuation				
	(11) General	(12) State Support Special	(13) Federal	(14) Other Special	(15) Total
Salaries, Wages, Fringe				17,141	17,141
Travel					
Contractual Services				507,500	507,500
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				524,641	524,641
No. of Positions (FTE)					

Note: FY2011 Total Request = FY2010 Estimated + FY2011 Incr(Decr) for Continuation + FY2011 Expansion/Reduction of Existing Activities + FY2011 New Activities.

CONTINUATION AND EXPANDED REQUEST

Office of Capital Defense Counsel
AGENCY

Program No. _____ of 1 Programs

SUMMARY OF ALL PROGRAMS

PROGRAM

FY 2011 Expansion/Reduction of Existing Activities					
	(16) General	(17) State Support Special	(18) Federal	(19) Other Special	(20) Total
Salaries, Wages, Fringe				166,400	166,400
Travel				15,000	15,000
Contractual Services				37,309	37,309
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				218,709	218,709
No. of Positions (FTE)				2.00	2.00

FY 2011 New Activities					
	(21) General	(22) State Support Special	(23) Federal	(24) Other Special	(25) Total
Salaries, Wages, Fringe					
Travel					
Contractual Services					
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total					
No. of Positions (FTE)					

FY 2011 Total Request					
	(26) General	(27) State Support Special	(28) Federal	(29) Other Special	(30) Total
Salaries, Wages, Fringe				931,128	931,128
Travel				80,000	80,000
Contractual Services				995,173	995,173
Commodities				25,000	25,000
Other Than Equipment					
Equipment				7,000	7,000
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				2,038,301	2,038,301
No. of Positions (FTE)				11.00	11.00

Note: FY2011 Total Request = FY2010 Estimated + FY2011 Incr(Decr) for Continuation + FY2011 Expansion/Reduction of Existing Activities + FY2011 New Activities.

**SUMMARY OF PROGRAMS
FORM MBR-1-03sum**

Office of Capital Defense Counsel
Agency Name

FUNDING REQUESTED FISCAL YEAR 2011

PROGRAM	GENERAL	ST.SUPP.SPECIAL	FEDERAL	OTHER SPECIAL	TOTAL
1. Capital Defense Counsel				2,038,301	2,038,301
SUMMARY OF ALL PROGRAMS				2,038,301	2,038,301

CONTINUATION AND EXPANDED REQUEST

Office of Capital Defense Counsel
AGENCY

Program No. 1 of 1 Programs

Capital Defense Counsel

PROGRAM

	FY 2009 Actual				
	(1) General	(2) State Support Special	(3) Federal	(4) Other Special	(5) Total
Salaries, Wages, Fringe				690,258	690,258
Travel			1,264	64,223	65,487
Contractual Services			18,290	248,283	266,573
Commodities			540	16,191	16,731
Other Than Equipment					
Equipment				5,334	5,334
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total			20,094	1,024,289	1,044,383
No. of Positions (FTE)				9.00	9.00

	FY 2010 Estimate				
	(6) General	(7) State Support Special	(8) Federal	(9) Other Special	(10) Total
Salaries, Wages, Fringe				747,587	747,587
Travel				65,000	65,000
Contractual Services				450,364	450,364
Commodities				25,000	25,000
Other Than Equipment					
Equipment				7,000	7,000
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				1,294,951	1,294,951
No. of Positions (FTE)				9.00	9.00

	FY 2011 Increase/Decrease for Continuation				
	(11) General	(12) State Support Special	(13) Federal	(14) Other Special	(15) Total
Salaries, Wages, Fringe				17,141	17,141
Travel					
Contractual Services				507,500	507,500
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				524,641	524,641
No. of Positions (FTE)					

Note: FY2011 Total Request = FY2010 Estimated + FY2011 Incr(Decr) for Continuation + FY2011 Expansion/Reduction of Existing Activities + FY2011 New Activities.

CONTINUATION AND EXPANDED REQUEST

Office of Capital Defense Counsel
AGENCY

Program No. 1 of 1 Programs

Capital Defense Counsel

PROGRAM

FY 2011 Expansion/Reduction of Existing Activities					
	(16) General	(17) State Support Special	(18) Federal	(19) Other Special	(20) Total
Salaries, Wages, Fringe				166,400	166,400
Travel				15,000	15,000
Contractual Services				37,309	37,309
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				218,709	218,709
No. of Positions (FTE)				2.00	2.00

FY 2011 New Activities					
	(21) General	(22) State Support Special	(23) Federal	(24) Other Special	(25) Total
Salaries, Wages, Fringe					
Travel					
Contractual Services					
Commodities					
Other Than Equipment					
Equipment					
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total					
No. of Positions (FTE)					

FY 2011 Total Request					
	(26) General	(27) State Support Special	(28) Federal	(29) Other Special	(30) Total
Salaries, Wages, Fringe				931,128	931,128
Travel				80,000	80,000
Contractual Services				995,173	995,173
Commodities				25,000	25,000
Other Than Equipment					
Equipment				7,000	7,000
Vehicles					
Wireless Comm. Devs.					
Subsidies, Loans & Grants					
Total				2,038,301	2,038,301
No. of Positions (FTE)				11.00	11.00

Note: FY2011 Total Request = FY2010 Estimated + FY2011 Incr(Decr) for Continuation + FY2011 Expansion/Reduction of Existing Activities + FY2011 New Activities.

PROGRAM DECISION UNITS

Office of Capital Defense Counsel

1 - Capital Defense Counsel

AGENCY

PROGRAM NAME

	A	B	C	D	E	F	G	H
EXPENDITURES:	FY 2010 Appropriation	Escalations By DFA	Non-Recurring Items	Support Staff Salary Increas	Fund Private Conflict Cou	Add Regular Staff	Total Funding Change	FY 2011 Total Request
SALARIES	747,587			17,141		166,400	183,541	931,128
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER	747,587			17,141		166,400	183,541	931,128
TRAVEL	65,000					15,000	15,000	80,000
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER	65,000					15,000	15,000	80,000
CONTRACTUAL	450,364				507,500	37,309	544,809	995,173
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER	450,364				507,500	37,309	544,809	995,173
COMMODITIES	25,000							25,000
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER	25,000							25,000
CAPITAL-OTE								
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER								
EQUIPMENT	7,000							7,000
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER	7,000							7,000
VEHICLES								
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER								
WIRELESS DEV								
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER								
SUBSIDIES								
GENERAL								
ST.SUP.SPECIAL								
FEDERAL								
OTHER								
TOTAL	1,294,951			17,141	507,500	218,709	743,350	2,038,301

FUNDING:

GENERAL FUNDS								
ST.SUP.SPCL.FUNDS								
FEDERAL FUNDS								
OTHER SP.FUNDS	1,294,951			17,141	507,500	218,709	743,350	2,038,301
TOTAL	1,294,951			17,141	507,500	218,709	743,350	2,038,301

POSITIONS:

GENERAL FTE								
ST.SUP.SPCL.FTE								
FEDERAL FTE								
OTHER SP FTE	9.00					2.00	2.00	11.00
TOTAL FTE	9.00					2.00	2.00	11.00

PRIORITY LEVEL:

				2	3	1		
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PROGRAM NARRATIVE

Program Data Collected in Accordance with the
Mississippi Performance Budget and Strategic Planning Act of 1994
(To Accompany Form MBR-1-03)

Office of Capital Defense Counsel

1 - Capital Defense Counsel

AGENCY NAME

PROGRAM NAME

I. Program Description:

The Office of Capital Defense Counsel provides legal representation to indigent persons charged with death penalty eligible offenses in the state courts of Mississippi and tracks all such cases.

II. Program Objective:

The objective is to reduce the cost of death penalty litigation on the counties while providing high quality legal representation for persons charged with death penalty eligible offenses.

III. Current program activities as supported by the funding in Columns 6-15 (FY 10 Estimated & FY 11 Increase/Decrease for continuations) of MBR-1-03 and designated Budget Unit Decisions columns of MBR-1-03-A:**(D) support staff salary incre:**

The paralegals and investigators serving as fact and mitigation investigators earn an average of \$45000/year. Their counterparts in the district attorney offices earn up to \$59,500. This budget request amounts to an average salary increase of \$3400/year per position.

(E) fund private conflict coun:

Private conflict counsel assigned pursuant to Miss. Code Section 99-18-17 must be qualified to handle death penalty eligible cases. Funding covers lead counsel as well as investigators and experts for up to seven additional cases per year. All fees and expenses must be approved by the circuit court.

IV. Additional program activities that will result from increased funding requested in Columns 16-25 (MBR-1-03) and specified Budget Decision Unit Columns (MBR-1-03-A):**(F) add regular staff:**

The addition of two new positions, one attorney and one investigator, will allow the agency to handle an additional 5 new death penalty cases per year for a total of 20 new cases each year. This includes the cost of experts and investigation but not local counsel. The attorney will be qualified to serve as lead counsel in death penalty eligible cases. The salary is capped at the level of assistant district attorney, approximately \$86,000/year. The second position will be an investigator/paralegal. Job description includes both fact and mitigation investigation and litigation support. The salary will not exceed the salary of an investigator in a district attorney's office, \$59,500/year. The budget request assumes a salary of \$50,000/year for this position.

PROGRAM PERFORMANCE INDICATORS AND MEASURES
Program Data Collected in Accordance with the Mississippi Performance Budget and Strategic
Planning Act of 1994

Office of Capital Defense Counsel

1 - Capital Defense Counsel

AGENCY NAME

PROGRAM NAME

PROGRAM OUTPUTS: (This is the measure of the process necessary to carry out the goals and objectives of this program. This is the volume produced, i.e., how many people served, how many documents generated.)

	<u>FY 2009</u> <u>ACTUAL</u>	<u>FY 2010</u> <u>ESTIMATED</u>	<u>FY 2011</u> <u>PROJECTED</u>
1 Number of Cases Opened	24.00	20.00	30.00

PROGRAM EFFICIENCIES: (This is the measure of the cost, unit cost or productivity associated with a given outcome or output. This measure indicates linkage between services and funding, i.e., cost per investigation, cost per student or number of days to complete investigation.)

	<u>FY 2009</u> <u>ACTUAL</u>	<u>FY 2010</u> <u>ESTIMATED</u>	<u>FY 2011</u> <u>PROJECTED</u>
1 Cost per case opened	42,678.00	64,748.00	67,943.00

PROGRAM OUTCOMES: (This is the measure of the quality or effectiveness of the services provided by this program. This measure provides an assessment of the actual impact or public benefit of your agency's actions. This is the results produced, i.e., increased customer satisfaction by x% within a 12-month period, reduce the number of traffic fatalities due to drunk drivers within a 12-month period.)

	<u>FY 2009</u> <u>ACTUAL</u>	<u>FY 2010</u> <u>ESTIMATED</u>	<u>FY 2011</u> <u>PROJECTED</u>
1 Percentage of trial cases open less than one year	64.00	75.00	75.00

PROGRAM 3% GENERAL FUND REDUCTION AND NARRATIVE EXPLANATION

Office of Capital Defense Counsel

	Fiscal Year 2010 Funding			FY 2010 PERCENT REDUCED
	Total Funds	Reduced Amount	Reduced Funding Amount	
Program Name: (1) Capital Defense Counsel				
GENERAL				
ST.SUPPORT SPECIAL				
FEDERAL				
OTHER SPECIAL	1,294,951	(38,849)	1,256,102	
TOTAL	1,294,951	(38,849)	1,256,102	
Narrative Explanation: Across the board reductions would result in staff furlows of up to 7 days. The most likely administrative decision would be to take the full cut from contractual and reduce the private caseload, leaving that case to be funded by the county of prosecution.				
SUMMARY OF ALL PROGRAMS				
GENERAL				
ST.SUPPORT SPECIAL				
FEDERAL				
OTHER SPECIAL	1,294,951	(38,849)	1,256,102	
TOTAL	1,294,951	(38,849)	1,256,102	

NOT APPLICABLE MEMBERS

Office of Capital Defense Counsel

Agency

A. Explain Rate and manner in which board members are reimbursed:

B. Estimated number of meetings FY2010

C.	Names of Members	City, Town, Residence	Appointed By	Date of Appointment	Length of Term
1.	N/A				

Identify Statutory Authority (Code Section or Executive Order Number)*

*If Executive Order, please attach copy.

**SCHEDULE B
CONTRACTUAL SERVICES**

Office of Capital Defense Counsel

Name of Agency

MINOR OBJECT OF EXPENDITURE	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011
A. TUITION, REWARDS & AWARDS (61010-61099)			
61010 Tuition			
61020 Employee Training	962	1,000	1,500
61030 Travel Related Registration			
TOTAL (A)	962	1,000	1,500
B. TRANSPORTATION & UTILITIES (61100-61299)			
61110 Postage, Box Rent, etc.	54	100	100
61190 Freight	42	100	100
TOTAL (B)	96	200	200
C. PUBLIC INFORMATION ((61300-61399)			
61310 Advertising & Public Information			
61340 Signs & Billboards			
61350 Exhibits & Displays			
TOTAL (C)			
D. RENTS (61400-61499)			
61420 Building & Floor Space	42,240	42,240	50,000
61440 Office Equipment	5,556	6,000	6,500
61480 Exhibits, Conference Rentals			
TOTAL (D)	47,796	48,240	56,500
E. REPAIRS & SERVICES (61500-61599)			
61550 Office Equipment & Furniture		1,000	1,000
TOTAL (E)		1,000	1,000
F. FEES, PROFESSIONAL & OTHER SERVICES (61600-61699)			
61606 Contractual Assistance	41,859	12,500	15,000
61615 SAAS Fees - DFA	1,280	1,500	1,700
61616 MMRS Fees	2,749	3,000	3,100
6163X Legal (61630-61636)	10,051	142,500	475,000
6164x Specialist Services	2,000		
6165X Personnel Services Contracts (61651-61653)	73,180	46,350	43,850
61690 Other Fees & Services			
61660 Court Costs and Court Reporters	3,139	3,350	5,350
61663 Witness Fees & Expenses	42,541	150,000	350,000
6168x SPAHRS Contract Payroll	2,484	1,000	1,000
TOTAL (F)	179,283	360,200	895,000
G. OTHER CONTRACTUAL SERVICES (61700-61899)			
61700 Liability Insurance Pool Contributions (Tort Claims)	5,914	5,914	7,000
61710 Insurance & Fidelity Bonds	1,009	1,009	1,100
61720 Membership Dues	1,765	2,500	2,500
61721 Subscriptions	1,365	1,500	1,500
61740 Salvage Removal	673	700	
61800 Procurement Card/Contr Purchases	2,061	2,000	2,500
TOTAL (G)	12,787	13,623	14,600
H. INFORMATION TECHNOLOGY (61900-61990)			
61917 Service Charges to State Data Center	839	839	839
61919 Investigative Serv - Internet BS	750	1,000	1,000
61921 Software Acquisition	1,897	2,000	2,000
61922 Basic Telephone Out Vend	746	746	800

**SCHEDULE B
CONTRACTUAL SERVICES CONTINUED**

Office of Capital Defense Counsel

Name of Agency

MINOR OBJECT OF EXPENDITURE	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011
H. INFORMATION TECHNOLOGY (61900-61990)			
61923 Basic Telephone Monthly - ITS	7,041	7,041	7,000
61925 Long Distance Charges - ITS	1,234	1,234	1,234
61928 Public Network Access Charges - Outside Vendor	8,920	8,920	9,000
61929 Public Network Acc Charges - ITS			
61961 Maintenance and Repair - Outside Vendor	3,821	3,821	4,000
61962 Maintenance/Repair of Communications Systems	6		
TOTAL (H)	25,254	25,601	25,873
I. OTHER (61991-61999)			
6199X Prior Year Expense (61996-61998)			
61992 SPAHRS Travel related Expense (Intern Tavel)	395	500	500
TOTAL (I)	395	500	500
GRAND TOTAL <i>(Enter on Line I-B of Form MBR-1)</i>	266,573	450,364	995,173
FUNDING SUMMARY:			
GENERAL FUNDS			
STATE SUPPORT SPECIAL FUNDS			
FEDERAL FUNDS	18,290		
OTHER SPECIAL FUNDS	248,283	450,364	995,173
TOTAL FUNDS	266,573	450,364	995,173

**SCHEDULE C
COMMODITIES**

Office of Capital Defense Counsel
Name of Agency _____

MINOR OBJECT OF EXPENDITURE	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011
B. PRINTING & OFFICE SUPPLIES & MATERIALS (62100-62199)			
62110 Printing, Binding, Padding	5,424	7,500	7,500
62130 Office Supplies & Materials			
62160 Office Equipment (not capital outlay)	264	1,500	1,500
62150 Maps, Manuals, Library Books, Films			
Total (B)	5,688	9,000	9,000
C. EQUIPMENT REPAIR PARTS, SUPPLIES & ACCES. (62200-62299)			
62270 Radio & TV Supply & Repair			
62290 Other Equipment Repair Parts			
62271 Repair of Comm Systems, Parts			
Total (C)			
E. OTHER SUPPLIES & MATERIALS (62400-62999)			
62475 Food For Business	2,273	3,000	3,000
62555 Repair Parts			
62595 Other Equipment (less than \$500)			
62800 Procurement Card Expense	2,714	4,000	4,000
62900 Intergovernmental Commodity Purchases	700	1,000	1,000
62993 Reimbursable Travel Commodities (Fuel)	5,356	8,000	8,000
Total (E)	11,043	16,000	16,000
GRAND TOTAL (A, B, C, D & E) <i>(Enter on Line I-C of Form MBR-1)</i>	16,731	25,000	25,000
FUNDING SUMMARY:			
GENERAL FUNDS			
STATE SUPPORT SPECIAL FUNDS			
FEDERAL FUNDS	540		
OTHER SPECIAL FUNDS	16,191	25,000	25,000
TOTAL FUNDS	16,731	25,000	25,000

**SCHEDULE D-1
CAPITAL OUTLAY
OTHER THAN EQUIPMENT**

Office of Capital Defense Counsel
Name of Agency _____

MINOR OBJECT OF EXPENDITURE	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011
A. LANDS (63100-63199)			
63110 Land for Buildings			
63120 Land for Right-of-Way			
63130 Land for Aggregates			
63170 Land Purchased for Other Purposes			
TOTAL (A)			
B. BUILDINGS & IMPROVEMENTS (63200-63299)			
63250 Buildings - Purchased, Constructed, Remodeled			
TOTAL (B)			
C. INFRASTRUCTURE & OTHER (63500-63999)			
639XX Other			
TOTAL (C)			
GRAND TOTAL <i>(Enter on Line I-D-1 of Form MBR-1)</i>			
FUNDING SUMMARY:			
GENERAL FUNDS			
STATE SUPPORT SPECIAL FUNDS			
FEDERAL FUNDS			
OTHER SPECIAL FUNDS			
TOTAL FUNDS			

**SCHEDULE D-2
CAPITAL OUTLAY EQUIPMENT**

Office of Capital Defense Counsel

Name of Agency _____

EQUIPMENT BY ITEM	Act. FY Ending June 30, 2009		Est. FY Ending June 30, 2010		Req. FY Ending June 30, 2011		
	No. of Units	Total Cost	No. of Units	Total Cost	No. of Units	Cost Per Unit	Total Cost
A. VEHICLES (see form MBR-1-D-3)							
B. ROAD MACHINERY, FARM & OTHER EQUIPMENT							
63320 Road Machinery							
TOTAL (B)							
C. OFFICE MACHINES, FURNITURE, FIXTURES, EQUIP.							
63330 Office Equipment, Furniture	2	790	1	1,000	1	2,500	2,500
TOTAL (C)		790		1,000			2,500
D. IS EQUIPMENT (DP & TELECOMMUNICATIONS)							
63421 Mainframe Equipment							
63421 Laptop	2	1,760	2	2,000			
63421 Desktops	3	2,784	3	3,000	3	1,000	3,000
TOTAL (D)		4,544		5,000			3,000
E. EQUIPMENT - LEASE PURCHASE (63460-63476)							
634XX Lease Purchases							
TOTAL (E)							
F. OTHER EQUIPMENT							
63490 Other Equipment			1	1,000	1	1,500	1,500
TOTAL (F)				1,000			1,500
GRAND TOTAL <i>(Enter on Line I-D-2 of Form MBR-1)</i>		5,334		7,000			7,000
FUNDING SUMMARY:							
GENERAL FUNDS							
STATE SUPPORT SPECIAL FUNDS							
FEDERAL FUNDS							
OTHER SPECIAL FUNDS		5,334		7,000			7,000
TOTAL FUNDS		5,334		7,000			7,000

**SCHEDULE D-3
PASSENGER/WORK VEHICLES**

Office of Capital Defense Counsel

Name of Agency _____

MINOR OBJECT OF EXPENDITURE	Vehicle Inventory	FY Ending	June 30, 2009	FY Ending	June 30, 2010	FY Ending	June 30, 2011
	June 30, 2009	No. of Vehicles	Actual Cost	No. of Vehicles	Estimated Cost	No. of Vehicles	Requested Cost
A. PASSENGER & WORK VEHICLES (63310, 63390-63400)							
63310 Automobile, Compact Sedan (AU CS)							
63310 Automobile, Full Size Sedan (AU FS)							
63310 Automobile, Mid Size Sedan (AU MS)							
63310 Automobile, Mid Size Station Wagon (AU MW)							
63310 Automobile Utility (AU UT)							
63390 Truck, Carry-All (TK CA)							
63390 Truck, Compact Pickup (TK CU)							
63390 Truck, Dump Bed (TK DU)							
63390 Truck, Medium Duty 2.5 Ton (TK MD)							
63390 Truck, Mid Size Pickup (TK MU)							
63391 Truck, Heavy Duty 5 Ton (TK HD)							
63391 Truck, Heavy Duty Pickup (TK HU)							
63392 Sport Utility Vehicle (TK SU)							
63393 Van, Cargo (VN CD)							
63393 Van, Full Size (VN FV)							
63393 Van, Mid Size (VN MV)							
63400 Other Vehicles							
TOTAL (A)							
B. BETTERMENTS OR ACCESSORIES FOR VEHICLES (63395)							
63395 Betterments or Accessories for Vehicles							
TOTAL (B)							
GRAND TOTAL <i>(Enter on Line I-D-3 of Form MBR-1)</i>							
FUNDING SUMMARY:							
GENERAL FUNDS							
STATE SUPPORT SPECIAL FUNDS							
FEDERAL FUNDS							
OTHER SPECIAL FUNDS							
TOTAL FUNDS							

**SCHEDULE D-4
WIRELESS COMMUNICATION DEVICES**

Office of Capital Defense Counsel
Name of Agency _____

MINOR OBJECT OF EXPENDITURE	Device Inventory June 30, 2009	Act FY Ending June 30, 2009		Est FY Ending June 30, 2010		Req FY Ending June 30, 2011	
		No. of Devices	Actual Cost	No. of Devices	Estimated Cost	No. of Devices	Requested Cost
A. CELLULAR PHONES (63435)							
63435 Cellular Phones							
Total (A)							
B. PAGERS (63434)							
63434 Pagers, Paging Equipment							
Total (B)							
C. WIRELESS PERSONAL DIGITAL ASSISTANTS (63435)							
63435 Wireless PDAs, Blackberry, etc							
Total (C)							
GRAND TOTAL <i>(Enter on Line 1-D-4 of Form MBR-1)</i>							
FUNDING SUMMARY:							
GENERAL FUNDS							
STATE SUPPORT SPECIAL FUNDS							
FEDERAL FUNDS							
OTHER SPECIAL FUNDS							
TOTAL FUNDS							

**SCHEDULE E
SUBSIDIES, LOANS & GRANT**

Office of Capital Defense Counsel

Name of Agency _____

MINOR OBJECT OF EXPENDITURE	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011
A. SCHOOL GRANTS TO COUNTIES & MUNICIPALITIES (64000-64599)			
TOTAL (A)			
B. GRANTS TO I.H.L. & OTHER POLITICAL SUBDIVISIONS (64600-64699)			
TOTAL (B)			
C. GRANTS TO NON-GOVERNMENT INSTNS & INDS (64700-64999)			
TOTAL (C)			
D. DEBT SERVICE & JUDGEMENTS (65000-65399)			
TOTAL (D)			
E. OTHER (66000-89999)			
TOTAL (E)			
GRAND TOTAL <i>(Enter on Line I-E of Form MBR-1)</i>			
FUNDING SUMMARY:			
GENERAL FUNDS			
STATE SUPPORT SPECIAL FUNDS			
FEDERAL FUNDS			
OTHER SPECIAL FUNDS			
TOTAL FUNDS			

**NARRATIVE
2011 BUDGET REQUEST**

Office of Capital Defense Counsel
Name of Agency

The Office of Capital Defense Counsel (OCDC) was created as part of the Capital Defense Litigation Act of 2000 (the Act). The purpose of the Act is to assist counties in providing the constitutionally mandated counsel for indigent death penalty eligible defendants at trial and/or direct appeal.

OCDC was established with 4 attorney positions (including the director), 4 investigator/paralegal positions and a fiscal officer. The funding source for the agency is assessments on criminal convictions. The current assessment is \$2.89 on each conviction. The FY 2010 appropriation will allow OCDC to operate at full staffing and fund up to three conflict/overflow cases.

The FY 2010 appropriation WILL NOT fully fund the Capital Defense Litigation Act; only the Office of Capital Defense Counsel. There is insufficient revenue to the Capital Defense Fund and insufficient spending authority to cover all indigent death penalty eligible cases at the trial/appeal level.

Both the traditional practice in Mississippi courts and generally excepted standards call for the appointment of two (2) attorneys in death penalty eligible cases. Under the current funding level the Office of Capital Defense Counsel provides one attorney and the cost of experts and investigation in the cases handled by OCDC - - approximately 25-35% of trial level cases. The second attorney (local co-counsel) is funded by the county of prosecution. The total defense cost in the majority of death penalty eligible cases, are funded by the county of prosecution.

The Budget Request for FY 2011 would expand the program to provide one state funded death penalty qualified counsel in over half of the indigent death penalty eligible cases at the trial/appeal level. The counties would be expected to provide funding for the local counsel in each case either through the public defender office or paid at an hourly rate by the county on order of the presiding judge.

The total budget request, \$2,038,301, would provide state funding for one death penalty qualified attorney, investigation costs and expert expenses in 30 cases at the trial/appeal level.

It is difficult to make an accurate caseload estimate however based on tracking of new death penalty eligible cases from July 1, 2001 and June 30, 2009 it is assumed there will be approximately 75 new death penalty cases each year (excluding juveniles). It is also assumed retained counsel will handle 20% of the cases. The decision to seek the death penalty is within the discretion of the district attorney. Where they decide not to seek the death penalty early in the process death penalty counsel would not need to be appointed or should be allowed to withdraw. Based on the practice observed over the past eight years it is estimated that prosecutors will make an early decision not to seek death in approximately 20 cases each year.

To expand the program in the most effective and efficient manner OCDC staff positions should be increased to handle up to 20 cases with an additional 10 cases assigned to contract private counsel. This will still leave up to 15 death penalty eligible cases handled exclusively by locally funded counsel. The director would assume responsibility for assuring compliance with qualification and performance standards, recruit counsel and facilitate training opportunities and where not prohibited by an actual conflict of interest serve as "resource counsel" to outside counsel.

Office expansion is critical to implementation of this plan for two primary reasons. From a budgetary perspective it will be more cost effective to have salaried staff attorneys and investigators handling the majority of cases rather than paying private attorneys at hourly rates. There is also a limited pool of attorneys qualified to act as lead counsel in death penalty eligible cases and an even more limited pool of qualified mitigation investigators.

The addition of two (2) new positions, will allow OCDC to handle an additional 5 new death penalty cases per year for a total of 20 new death penalty eligible cases per year. The attorney will need to be qualified to serve as lead counsel in death penalty eligible cases. This will require at least five (5) years of trial/appeal experience and

NARRATIVE
2011 BUDGET REQUEST

Office of Capital Defense Counsel _____

Name of Agency

experience in death penalty litigation. The salary is capped at the level of assistant district attorneys with similar experience, approximately \$76,500 - \$86,500 per year. This budget request assumes the average of the salary range.

The other staff position will be an investigator/paralegal. The job description includes both guilt/innocence phase investigation and mitigation phase investigation and general litigation support. Candidates for this position will include criminal case investigators and forensic social workers. The salary for this position may not exceed the salary of a criminal investigator or victim assistance coordinator employed by a district attorney (\$59,500/year). This budget request assumes the salary for this position at \$50,000 per year. This budget request also seeks an increase in the salaries of the current investigator/paralegal staff. The current average pay is \$45,000/year. This request seeks an average increase of about \$3400/year.

The funding increase in travel and commodities is needed to support these positions. It assumes the travel of these new litigation positions will be equivalent to the travel of current staff.

The increase in contractual is needed to support these new positions but more so to fund the private counsel cases. These private attorneys will be hired pursuant to Miss. Code Section 99-18-17 and must be qualified to handle death penalty eligible cases without assistance from OCDC. Minimum requirements should include five years of criminal litigation experience and prior death penalty experience.

The requested appropriation for private counsel cases is \$725,000 and covers lead counsel, fact and mitigation investigation and expert costs for up to 10 cases per year. All fees and expenses must be approved by the circuit court. This budget request assumes an hourly rate for attorneys at \$95.

**OUT-OF-STATE TRAVEL
FISCAL YEAR 2009**

Office of Capital Defense Counsel

Agency Name

Note: All expenditures recorded on this form must be totaled and said total must agree with the out-of-state travel amount indicated for FY 2009 on Form Mbr-1, line I.A.2.b.

Employee's Name	Destination	Purpose	Travel Cost	Funding Source
Regina Curry	Washington DC	NAACP Conference	480	3097
Andre' de Gruy	Washington DC	NAACP Conference	7	3097
James Lappan	Milwaukee MN	NACDL Continuing Legal Education	1,800	3097
Jim Lappan	Out-of- State	General Investigations	226	3097
Mike Wilson	Out-of-State	General Investigations	272	3097
Mike Wilson	Out-of-State	General Investigations	710	3097
Valeria Carson	Las Vegas, NV	NACDL training program	420	3097
Prior Year Refund			(213)	3097
Total Out of State Travel Cost			\$3,702	

FEES, PROFESSIONAL AND OTHER SERVICES
(EXPENDITURE CODES 61600-61699)

Office of Capital Defense Counsel

Name of Agency

TYPE OF FEE AND NAME OF VENDOR	Retired w/ PERS	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011	Fund Num.
61606 Contractual Assistance					
Paul Forester / Clerical/IT support		690			3097
<i>Comp. Rate: 15 an Hour</i>					
Kaitlyn Barnes / Clerical Support		3,299	12,500	15,000	3097
<i>Comp. Rate: 9.50 an Hour</i>					
Lela Hubbard / Mitigation Support		37,870			3097
<i>Comp. Rate: 28.50 an Hour</i>					
TOTAL 61606 Contractual Assistance		41,859	12,500	15,000	
61615 SAAS Fees - DFA					
SAAS Fees DFA / Accounting System Access		1,280	1,500	1,700	3097
<i>Comp. Rate: fee</i>					
TOTAL 61615 SAAS Fees - DFA		1,280	1,500	1,700	
61616 MMRS Fees					
MMRS Charges / DFA		2,749	3,000	3,100	3097
<i>Comp. Rate: fee</i>					
TOTAL 61616 MMRS Fees		2,749	3,000	3,100	
6163X Legal (61630-61636)					
Rob McDuff / Crt Ordered Legal Fees		10,051			3097
<i>Comp. Rate: \$95/hour</i>					
Outside Legal Counsel / "			142,500	475,000	3097
<i>Comp. Rate: \$95/hour</i>					
TOTAL 6163X Legal (61630-61636)		10,051	142,500	475,000	
6164x Specialist Services					
61640 Expert Services / Client Assessment		2,000			3097
<i>Comp. Rate: fee</i>					
TOTAL 6164x Specialist Services		2,000			
6165X Personnel Services Contracts (61651-61653)					
Cornerstone Consulting Group / Fiscal Assistance		18,900	18,850	18,850	3097
<i>Comp. Rate: \$1350 mo + annual</i>					
Dr. Mary Nelums / Social Work Intern Supervision		4,275	2,500		3097
<i>Comp. Rate: \$175/hr</i>					
Lela Hubbard / Mitigation Services		9,666			3097
<i>Comp. Rate: \$40/hr</i>					
Intern Travel / Investigations		22,049	25,000	25,000	3097
<i>Comp. Rate: travel rates</i>					
Public Defender Training (Grant) / Training		18,290			federal
<i>Comp. Rate: travel rates</i>					
TOTAL 6165X Personnel Services Contracts (61651-61653)		73,180	46,350	43,850	
61690 Other Fees & Services					
TOTAL 61690 Other Fees & Services					

FEES, PROFESSIONAL AND OTHER SERVICES

Office of Capital Defense Counsel

Name of Agency

TYPE OF FEE AND NAME OF VENDOR	Retired w/ PERS	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011	Fund Num.
61660 Court Costs and Court Reporters					
Court Reporters / hearing transcripts <i>Comp. Rate: statutory</i>		2,860	3,000	5,000	3097
Stegall Notary Services / Recording and Notary Fees <i>Comp. Rate: set fee</i>		279	350	350	3097
TOTAL 61660 Court Costs and Court Reporters		3,139	3,350	5,350	
61663 Witness Fees & Expenses					
Zimmerman Psy / mental evaluations <i>Comp. Rate: \$200/hr</i>		925			3097
Dr. James Lauridson / pathology review <i>Comp. Rate: \$250/hr</i>		900	5,000	5,000	3097
Dr. Fred Sautter / mental evaluation <i>Comp. Rate: \$200/hr</i>		2,000			3097
Leroy Riddick, MD / Pathology review <i>Comp. Rate: \$200/hr</i>		2,400	5,000	5,000	3097
Max A Mayes / investigation <i>Comp. Rate: \$40/hr</i>		5,470	5,000	5,000	3097
Palmetto Consulting Research / DNA <i>Comp. Rate: \$250/hr</i>		250			3097
Recovery Consultations / mitigation presentation <i>Comp. Rate: \$110/hr</i>		1,462	4,000	4,000	3097
Dr. Gerald O'Brien / mental evaluation <i>Comp. Rate: \$250/hr</i>		5,250	5,000	5,000	3097
Lewis Roxey / witness <i>Comp. Rate: statutory</i>		456			3097
Norman Sauer / anthropology <i>Comp. Rate: \$250/hr</i>		750			3097
Dr. Criss Lott / mental evaluation <i>Comp. Rate: \$250/hr</i>		2,500	5,000	5,000	3097
Kristine M. Jacquin, MD / mental eval <i>Comp. Rate: \$150/hr</i>		675	2,500	2,500	3097
conflict case investigators / fact and mitigation invtigation <i>Comp. Rate: \$50/hr</i>			60,000	200,000	3097
DNA Experts / case review <i>Comp. Rate: \$200/hr</i>		5,700	5,000		3097
Jackie Toussant / witness <i>Comp. Rate: statutory</i>		466			3097
MS Neuropsychiatric Clinic / mental evaluations <i>Comp. Rate: \$300/hr</i>		5,800	5,000	5,000	3097
John McCoy, PhD / Psychology <i>Comp. Rate: \$2000 flat fee</i>			2,000		3097
Stacy Ferraro / Mitigation Mentoring <i>Comp. Rate: \$55/hr</i>			5,000		3097
James E. Aiken / Mitigation <i>Comp. Rate: \$150/hr</i>			5,000		3097
Leo, Richard PhD, JD / False Confession <i>Comp. Rate: \$175/hr</i>			5,000		3097
Timothy Summers, MD / Psychiatry <i>Comp. Rate: \$300/hr</i>			5,000		3097
Witness Fees and Experts As Needed / DNA, Psy, Mitigation, etc. <i>Comp. Rate: varies hourly rates</i>			6,500	63,500	3097

FEES, PROFESSIONAL AND OTHER SERVICES

Office of Capital Defense Counsel

Name of Agency

TYPE OF FEE AND NAME OF VENDOR	Retired w/ PERS	(1) Actual Expenses FY Ending June 30, 2009	(2) Estimated Expenses FY Ending June 30, 2010	(3) Requested for FY Ending June 30, 2011	Fund Num.
Gremantown Psy Assn / mental eval		7,537	5,000		3097
<i>Comp. Rate: \$250/hr</i>					
conflict case experts / DNA, Psy, Mitigation, etc.			15,000	50,000	3097
<i>Comp. Rate: various hourly rates</i>					
TOTAL 61663 Witness Fees & Expenses		<u><u>42,541</u></u>	<u><u>150,000</u></u>	<u><u>350,000</u></u>	
6168x SPAHRS Contract Payroll					
Contract Worker / FICA match		2,484	1,000	1,000	3097
<i>Comp. Rate: 7.65%</i>					
TOTAL 6168x SPAHRS Contract Payroll		<u><u>2,484</u></u>	<u><u>1,000</u></u>	<u><u>1,000</u></u>	
GRAND TOTAL (61600-61699)		179,283	360,200	895,000	

VEHICLE PURCHASE DETAILS

Office of Capital Defense Counsel _____

Name of Agency

Year	Model	Person(s) Assigned To	Vehicle Purpose/Use	FY2011 Req. Cost
				0
				0
			TOTAL VEHICLE REQUEST	0

**VEHICLE INVENTORY
AS OF JUNE 30, 2009**

Office of Capital Defense Counsel _____

Name of Agency

Veh. Type	Vehicle Descript.	Model Year	Model	Person(s) Assigned To	Purpose/Use	Tag Number	Mileage On 6-30-09	Average Miles per Year	Replacement Proposed	
									FY 2010	FY 2011

Vehicle Type = Passenger/Work

**PRIORITY OF DECISION UNITS
FISCAL YEAR 2011**

Office of Capital Defense Counsel
Agency Name

Program	Decision Unit	Object	Amount
Priority # 1			
Program # 1 : Capital Defense Counsel	add regular staff		
		Salaries	166,400
		Travel	15,000
		Contractual	37,309
		Total	218,709
		Other Special Funds	218,709
Priority # 2			
Program # 1 : Capital Defense Counsel	support staff salary increase		
		Salaries	17,141
		Total	17,141
		Other Special Funds	17,141
Priority # 3			
Program # 1 : Capital Defense Counsel	fund private conflict counsel		
		Contractual	507,500
		Total	507,500
		Other Special Funds	507,500

CAPITAL LEASES

Office of Capital Defense Counsel

Name of Agency

Vendor/ Item Leased	Original Date of Lease	Original Number of Months of Lease	Number of Months Remaining on 6-30-09	Last Payment Date	Interest Rate	Amount of Each Monthly/Yearly Payment			Total of Payments to be Made								
						Principal	Interest	Total	Actual FY 2009	Estimated FY 2010			Requested FY 2011				
										Principal	Interest	Total	Principal	Interest	Total		
/	/ /	0	0	/ /	.000												

Summary of 3% General Fund Program Reduction to FY2010 Appropriated Funding by Major Object

Office of Capital Defense Counsel

Major Object	FY2010 GENERAL FUND REDUCTION	AFFECT ON FY2010 STATE SUPPORT SPECIAL FUNDS	AFFECT ON FY2010 FEDERAL FUNDS	AFFECT ON FY2010 OTHER SPECIAL FUNDS	TOTAL 3% REDUCTIONS
PERSONAL SERVICES				(22,428)	(22,428)
TRAVEL				(1,950)	(1,950)
CONTRACTUAL SERVICES				(13,511)	(13,511)
COMMODITIES				(750)	(750)
OTHER THAN EQUIPMENT					
EQUIPMENT				(210)	(210)
VEHICLES					
WIRELESS COMM. DEVICES					
SUBSIDIES, LOANS, ETC					
TOTALS				(38,849)	(38,849)